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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/054,462
	Filing Date	01/22/2002
	First Named Inventor	Michelangelo Scalone
	Art Unit	1626 ✓
	Examiner Name	R. Anderson
Total Number of Pages in This Submission	Attorney Docket Number	20826 US

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	John P. Parise
Signature	
Date	June 27, 2003

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application

Inventors: Michelangelo Scalone and Thomas Albert Zeibig Group: 1626

Serial No. 10/054,462, filed January 22, 2002

Examiner: R. Anderson

For: Process for Preparing Heterocyclic Indene Analogs

COMMUNICATION

Nutley, New Jersey 07110
June 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Communication is filed in response to the March 28, 2003 Office Action issued in connection with the above-identified patent application. A response to this Office Action was originally due April 28, 2003. A two-month extension of time is being requested concurrently. Accordingly, a response to this Office Action is now due June 28, 2003.

In the Office Action restriction was required under 35 U.S.C. § 121. Specifically, there are allegedly three independent and distinct groups of inventions. Group I includes claims 1-31, a process for making the compound of formula I. Group II includes claim 32, a process for making 1-(9H-carbazol-4-yloxy)-3-[[2-(2-methoxyphenoxy)ethyl][amino]-2-propanol. Group III includes the compound of formula IIa.

Communication
Application No. 10/054,462
Filed: January 22, 2002

In response to this restriction requirement, applicants elect, with traverse, to prosecute at this time the invention of Group I, claims 1-31. Applicants traverse this restriction since it would not be a serious burden on the Examiner to search all of the claims at this time. In particular, the process of Group I embraces the first step in the process of Group II. Thus, if the claims of Group I are patentable, then the claim of Group II must be patentable. Moreover, Group I and Group II are directed to processes that are patentable in and of themselves. Applicants are not relying upon the patentability of the compound produced in order to achieve patentability of the claimed processes.

The Office Action also mandated that applicants elect a single species. In response to this election requirement, applicants elect the process wherein the compound of formula I is where R^1 and R^2 are hydrogen and X is NH.

In summary, applicants request reconsideration and withdrawal of the restriction requirement.

If a telephone conference would be of assistance in furthering prosecution, applicants request that the undersigned attorney be contacted at the number below.

Communication
Application No. 10/054,462
Filed: January 22, 2002

No fee, other than the fee for a two-month extension of time, is required in connection with the filing of this Communication. If any fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,



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